

**REMARKS**

Claims 1 and 3-12 are pending in this application. By this Amendment, claims 1 and 10 are amended to incorporate the subject matter recited in claim 2. Accordingly, claim 2 is canceled, and claims 3 and 4 are amended to depend from claim 1 instead of canceled claim 2. Additionally, claim 7 is amended to incorporate the subject matter recited in previously presented claim 1, placing claim 7 in independent form. Minor amendments are also made to claims 4, 5 and 9 for the purpose of further clarity. No new matter is added.

The Office Action objects to the Abstract. An amended Abstract is hereby attached to obviate the Office Action's objection. Withdrawal of the objection to the Abstract is respectfully solicited.

The Office Action rejects claims 1 and 10 under 35 U.S.C. §103(a) over Dahan (U.S. 2004/0196833) in view of Welin (U.S. 2002/0031086) and Oobayashi (U.S. 2002/0075521); claims 7 and 8 under 35 U.S.C. §103(a) over Dahan in view of Welin and Oobayashi, and further in view of Murata (JP 2002-044363); claims 9 and 11 under 35 U.S.C. §103(a) over Dahan in view of Welin, Oobayashi and Murata, and further in view of Izumi (U.S. 2004/0196506)<sup>1</sup>; claim 2 under 35 U.S.C. §103(a) over Dahan in view of Welin, Oobayashi and Murata, and further in view of Iikuka (U.S. 6,888,796); claim 3 under 35 U.S.C. §103(a) over Dahan, Welin, Oobayashi, Murata and Iizuka in view of Ogawa (U.S. 5,042,028) and Oobayashi; claims 4, 5 and 6 under 35 U.S.C. §103(a) over Dahan, Welin, Oobayashi, Murata and Iizuka in view of Walker (U.S. 2003/0193696); and claim 12 under 35 U.S.C. §103(a) over Dahan, Welin, Oobayashi and Murata in view of Ogawa. These rejections are moot with respect to canceled claim 2 and traversed with respect to the remaining claims.

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<sup>1</sup> The Office Action does not explicitly reject claim 11. However, Applicants interpret the discussion on page 12 of the Office Action as indicating that claim 11 is rejected in a manner analogous to the rejection of claim 9.

Regarding claims 1, 7 and 10, the Office Action asserts that Murata discloses a communication unit selecting unit that selects either of a first communication unit ... or a second communication unit. Applicants respectfully disagree.

Murata discloses a system for switching between facsimile by e-mail (protocol T.37) and facsimile via a direct connection over the internet (protocol T.38). In particular, the system in Murata is directed to solving a problem wherein the storage capacity of a receiving apparatus is unknown. When the capacity of a receiving apparatus is unknown, T.37 fax systems would assume that the capacity was low and therefore send low quality faxes. Thus, the system in Murata will send T.37 e-mail faxes only in the capacity is known. Otherwise, the system in Murata sends the fax using the T.38 protocol.

However, claims 1 recites a first communication unit comprising the TCP/UDP/IP protocol control unit, the real-time transfer protocol control unit, the voice encoding/decoding unit, the facsimile modem, the first T30 protocol control unit and the first communication image processing unit. Claims 7 and 10 recite similar subject matter. Thus, claims 1, 7 and 10 recite a first communication unit which does not use the T.37 or the T.38 protocol but instead uses the T.30 protocol to generate packets containing voice data for sending over a network. Murata does not disclose such a communication unit because it is instead directed to using either the T.37 protocol (e-mail) or the T.38 protocol (direct connection over the internet). Thus, Murata does not disclose or suggest a communication unit selecting unit that selects either of a first communication unit ... or a second communication unit, as recited in claims 1, 7 and 10.

The Office Action asserts: that Dahan discloses a network interface that connects to the IP network via a LAN or a public line; that Welin discloses a TCP/UDP/IP protocol control unit; that Oobayashi discloses an image storage unit; that Iizuka discloses a T.30 and a T.38 protocol unit connected together; that Ogawa discloses that the first T.30 protocol

control unit and the second T.30 protocol control unit are configured by a shared protocol unit; and that Walker discloses a network control section. However, Applicants respectfully submit that Dahan, Welin, Oobayashi, Iizuka, Ogawa and Walker are silent regarding a communication unit selecting unit that selects either of a first communication unit ... or a second communication unit, as recited in claim 1, 7 and 10. Thus, Dahan, Welin, Oobayashi, Iizuka, Ogawa and Walker do not supply the subject matter missing from Murata.

In view of the above, Murata, Dahan, Welin, Oobayashi, Iizuka, Ogawa and Walker, individually or in combination, do not disclose or suggest the subject matter recited in claims 1, 7 and 10. Claims 3-6 and 11 ultimately depend from claim 1, and claims 8, 9 and 12 ultimately depend from claim 7. Thus, Murata, Dahan, Welin, Oobayashi, Iizuka, Ogawa and Walker, individually or in combination, do not disclose or suggest the subject matter recited in claims 1 and 3-12.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

Date: February 25, 2008

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